

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK	:	
by ANDREW M. CUOMO, Attorney General of	:	ECF Case
the State of New York,	:	
Plaintiff,	:	07 Civ. 10397 (LTS) (HBP)
-against-	:	<u>NOTICE OF MOTION</u>
FIRST AMERICAN CORPORATION and	:	ORAL ARGUMENT REQUESTED
FIRST AMERICAN EAPPRAISEIT,	:	
Defendants.	:	

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PLEASE TAKE NOTICE that upon the accompanying memorandum of law, plaintiff the People of the State of New York, by Andrew M. Cuomo, Attorney General of the State of New York, will move this Court before the Honorable Laura Taylor Swain, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time and date to be set by the Court, for an order pursuant to 28 U.S.C. § 1447 remanding this case to the Supreme Court of New York, New York County, and granting plaintiff such other relief against defendants as the Court deems just.

PLEASE TAKE FURTHER NOTICE that any opposing or answering memoranda and affidavits shall be served in accordance with Local Civil Rule 6.1(b).

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 2(B) of the Individual Rules of the Honorable Laura Taylor Swain, Nicole Gueron, counsel for plaintiff, sent a letter on November 26, 2007 to Richard Hans, counsel for the defendants, setting forth the legal and factual basis for this motion. Defendants responded by letter dated November 27, 2007, disagreeing with the basis for this motion and stating that defendants will oppose a motion to

remand the case. In addition, Nicole Gueron and Patrick Smith spoke by telephone regarding the motion on November 29, 2007. The undersigned certifies that despite these best efforts, the parties were unable to resolve the subject matter of this motion.

Dated: New York, New York
December 3, 2007

Respectfully submitted,

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for Plaintiff

By: /s/ Nicole Gueron
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